

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated May 14, 2008 and, thus, the application is in condition for allowance.

By this reply, no claims are amended. Claims 4-22 remain pending. Of these, claims 4, 7, 11, 14 and 20 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Actions, claims 4-10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. It is asserted that the final result of the claimed language fails to provide a “tangible” result and is merely a signal. Applicant respectfully traverses.

One having ordinary skill in the art would recognize that the subject of the invention as recited in claims 4-10 is a device having useful, concrete, tangible results. Thus, because one having ordinary skill in the art would recognize such results, the claims cannot be non-statutory and should be allowed to issue.

In the outstanding Office Actions, it appears that claims 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vuorista (USPN 6,603,969) in view of Mills (USPN 5,915,225). It is asserted that the Vuorista recites substantially the same invention as the present invention as recited in the present claims but for “detailing wherein SIM generated information is transmitted back to the network.” It is further alleged that Mills teaches this deficiency, and therefore it would have been obvious to one having ordinary skill in the art to combine the references to obviate the present invention as recited in the pending claims. Applicant respectfully traverses.

Vuorista is completely different from the present invention and does not anticipate, obviate or provide any suggestions or motivations that could be used to obviate the present invention as recited in the pending claims. For example, Vuorista does not disclose any device which contains an active SIM that receives and transmits, produces and discerns information relating to the device and environment. In contrast, the SIM disclosed in Vuorista retains a passive role to be referred to by the device for passive and static information. See col. 11, lines 33-67. The present invention contemplates, recites and claims an active SIM. Such active SIM role has been recited in the claims. See, for example, claims 4, 7, 11, 14 and 20. Support for such SIM function can be found through the present disclosure as originally filed, including, for example, Figure 4 and elsewhere. Thus, there is no way that Vuorista may be used to anticipate or obviate the present invention as recited in the pending claims. The rejection should then be withdrawn and the application allowed to issue. This deficiency is not obviated if Vuorista is attempted to be combined with Mills. Mills does not disclose the same problem, nor does it resolve the same problem. Thus, there is no motivation to combine Vuorista with Mills other than through Applicant's own disclosure. This improper hindsight cannot be used to maintain an obviousness rejection.

Applicant acknowledges with gratitude the allowance of claims 14-22 and respectfully requests the allowance of the other pending claims as well.

A ONE (1) month extension of time is hereby requested to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections

have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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